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UNITED STATES DISTRICT COURT WESTERN DISTRICT  
OF WASHINGTON AT SEATTLE

BEACON PLUMBING & MECHANICAL, INC.,

Plaintiff,

v.

SPOSARI INC. d/b/a MR. ROOTER PLUMBING SERVICES, MR. ROOTER LLC, THE DWYER GROUP, INC., THE DWYER GROUP LLC, and JOHN DOES 1-100,

Defendants.

No. 2:15-CV-01613

COMPLAINT FOR FEDERAL AND STATE TRADEMARK DILUTION; STATE TRADEMARK INFRINGEMENT; FEDERAL FALSE ADVERTISING; VIOLATION OF FEDERAL ANTICYBERSQUATTING CONSUMER PROTECTION ACT; VIOLATION OF WASHINGTON STATE CONSUMER PROTECTION ACT; TORTIOUS INTERFERENCE WITH BUSINESS EXPECTANCY; AND COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION

**JURY TRIAL DEMANDED**

Plaintiff Beacon Plumbing & Mechanical, Inc. ("Beacon" or "Plaintiff"), by its counsel, state the following for their Complaint against Sposari Inc. d/b/a Mr. Rooter Plumbing Services ("Mr. Rooter of Seattle"), Mr. Rooter, LLC ("Mr. Rooter"), the Dwyer Group Inc. ("Dwyer Inc."), the Dwyer Group LLC ("Dwyer LLC"), and John Does 1-100 ("Does") (collectively, "Defendants"):

1. This is an action at law and in equity for trademark dilution and infringement, false advertising, cybersquatting, deceptive trade practices, tortious interference of business

COMPLAINT - 1 No. 2:15-cv-1613

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1 expectancy, and unfair competition arising under the Trademark Act of 1946, 15 U.S.C. §§  
 2 1051 *et seq.* (2004) (“Lanham Act”), Washington State Chapter 19.77 RCW (“Washington  
 3 Trademark Act”), the Washington Consumer Protection Act (“CPA”), and the common law.

4       2.     Beacon is the leading and most-recognized provider of plumbing services in the  
 5 greater Puget Sound area. Beacon has invested enormous amounts of money and resources into  
 6 television, radio, and print advertisements for its services, including paying substantial sums to  
 7 Marshawn Lynch, the running back for the Seattle Seahawks, to appear in its advertisements.  
 8 Beacon has trademark registered with Washington’s Secretary of State (“Mark”).

9       3.     Seeking to profit from Beacon’s goodwill and reputation, Defendants  
 10 commenced a Google AdWords campaign. Under this campaign, each time a Google user  
 11 searches for the term “Beacon Plumbing” or any variation thereof (*e.g.*, “Beacon Plumbing  
 12 Seattle” or “Beacon Plumbing Tacoma”), a text advertisement (“Advertisement”) appears on the  
 13 search results page. The Advertisement displayed the phrase “Call 24/7 Beacon Plumbing” in  
 14 large font. Underneath this phrase, the Advertisement displayed “beacon.callnow-  
 15 plumber.com.” The screenshot below displays the Advertisement:

Google

Web Shopping Maps Videos Images More Search tools

About 805,000 results (0.46 seconds)

**BeaconPlumbing.net - Beacon Plumbing**  
Ad [www.beaconplumbing.net/](http://www.beaconplumbing.net/) (206) 745-6626  
Call Us to Locate a Beacon Plumber in Your Area. We're Available 24/7!  
Contact Plumber Seattle: Find Plumber Seattle

**Seattle Plumbing - SouthWestPlumbing.biz**  
Ad [www.southwestplumbing.biz/Plumbing](http://www.southwestplumbing.biz/Plumbing)  
Complete Plumbing Service. Reliable Work, Done Right. Call Us Today!  
2401 SW Alaska St, Seattle, WA

**Plumbing seattle - belredplumbing.net**  
Ad [www.belredplumbing.net/](http://www.belredplumbing.net/)  
Bel Red Offers Guaranteed Plumbing. Contact Us Today To Learn More!

**Beacon Plumbing**  
[www.beaconplumbing.net/](http://www.beaconplumbing.net/)  
Seattle Plumbing by Beacon Plumbing (206) 452-3130 call for a Seattle plumber today.  
Our plumbers are available in Seattle 24/7. Some Day Service.

Contact Do you need emergency plumbing or heating services? Beacon ...	Rates Stop Freakin...Call Beacon Plumbing 206.452.3130 or 253 ...
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**Map for beacon plumbing**

**Ads**

**Bob Oates - Sewer Service**  
[www.boboates.com/](http://www.boboates.com/) (206) 789-4944  
Fast & Reliable Drain Repair Pros.  
Low Prices & Great Work - Call Now!

**Call 24/7 Beacon Plumbing**  
[beacon.callnow-plumber.com/](http://beacon.callnow-plumber.com/)  
Fast & Affordable Plumbing Service  
Get \$25 Off. Call For Free Estimate

4. Defendants deliberately and willfully used Beacon's Mark to deceive search users and potential Beacon customers. Defendants are responsible for choosing the "Beacon Plumbing" term as a search keyword that would trigger the display of the Advertisement. Defendants are responsible for the content of the Advertisement, including the use of the phrase "Call 24/7 Beacon Plumbing" and "beacon.callnow-plumber.com."

5. Whenever a user clicked on the Advertisement, it sent them to Defendants' website, "Mr. Rooter Plumbing." Mr. Rooter of Seattle is a direct competitor of Beacon. The URL of the "Mr. Rooter Plumbing" website is [callnow-plumber.com/display1](http://callnow-plumber.com/display1). As of the filing of this complaint, this URL is still working. The "Mr. Rooter Plumbing" website shares the same second-level domain as the falsely-advertised "[beacon.callnow-plumber.com](http://beacon.callnow-plumber.com)" URL displayed in Plaintiff's Advertisement.

6. Shortly after Beacon contacted the general counsel for Dwyer Inc. and Dwyer LLC, the Advertisement was apparently taken down. The damage, however, was already done. Defendants' unlawful and tortious conduct caused Beacon to lose customers and revenue, and damaged the goodwill and reputation represented by its Mark. Defendants profited from their willful, deliberate, and deceptive practices.

7. This action seeks just compensation from and the imposition of civil penalties and statutory damages on Defendants, as well as recovery of Plaintiff's attorney fees and costs.

## **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction under Section 39 of the Lanham Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331 and 1338. This Court has jurisdiction over Plaintiff's related state and common-law claims pursuant to 28 U.S.C. §§ 1338 and 1367.

9. This Court has personal jurisdiction over Mr. Rooter of Seattle because Mr. Rooter of Seattle resides in this District. This Court has personal jurisdiction over Mr. Rooter, Dwyer, Inc., Dwyer LLC, and does because the effects of their infringement, dilution, and unfair competition are felt by Beacon in this District, they have specifically targeted residents of this District in their advertising campaigns on the internet, they have engaged in acts or

omissions within this state causing injury, they have engaged in acts or omissions outside of this state causing injury within this state, they have entered contracts with residents of this state, and/or they have otherwise made or established contacts within this state sufficient to permit the exercise of personal jurisdiction.

10. This District is a proper venue pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Beacon's claims occurred in this District.

## PARTIES

11. Plaintiff Beacon Plumbing & Mechanical, Inc. ("Beacon") is a corporation organized and existing under the laws of the State of Washington, having its principal place of business at 515 7th Ave S., Seattle, Washington 98104.

12. On information and belief, Defendant Sposari Inc. d/b/a Mr. Rooter Plumbing Services (“Mr. Rooter of Seattle”) is a Washington corporation with its principal place of business at 2000 S. 116th St., Seattle, Washington 98168. Mr. Rooter of Seattle is a competitor of Beacon.

13. On information and belief, Mr. Rooter, LLC ("Mr. Rooter") is a Texas corporation with its principal place of business at 1020 N. University Parks Dr., Waco, Texas, 76707. On information and belief, Mr. Rooter of Seattle is a franchisee of Mr. Rooter.

14. On information and belief, the Dwyer Group Inc. ("Dwyer Inc.") is a Delaware corporation with its principal place of business at 1020 N. University Parks Dr., Waco, Texas 76707. On information and belief, Mr. Rooter is wholly owned by Dwyer Inc. and/or Dwyer Group LLC.

15. On information and belief, the Dwyer Group LLC (“Dwyer LLC”) is a Delaware corporation with its principal place of business at 1020 N. University Parks Dr., Waco, Texas 76707. On information and belief, Mr. Rooter is wholly owned by Dwyer Inc. and/or Dwyer LLC.

16. On information and belief, John Does 1-100 ("Does") are individuals or organizations who are acting in concert with Mr. Rooter of Seattle, Mr. Rooter, Dwyer Inc.,

**COMPLAINT - 4**

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1 and/or Dwyer LLC, to engage in tortious and unlawful conduct. Plaintiff is unaware of the true  
 2 names and capacities of the Does and therefore sues these defendants by such fictitious names.  
 3 Beacon will amend this complaint to allege the true names and capacities of the Does when  
 4 ascertained. Each of the fictitiously named defendants is responsible in some manner for the  
 5 conduct alleged in this Complaint, and Beacon's damages are actually and proximately caused  
 6 by the conduct of such defendants.

#### **FACTS COMMON TO ALL CLAIMS**

7       17.   Beacon is a family-owned business that has been providing plumbing, heating,  
 8 and mechanical services in the greater Puget Sound area since 1999. Beacon is an exceptionally  
 9 well-recognized company in Seattle, Tacoma, Everett, Olympia, Kent, and neighboring areas.  
 10 Beacon maintains a website at [www.beaconplumbing.net](http://www.beaconplumbing.net).

11       18.   Beacon has run television and radio advertising campaigns featuring Marshawn  
 12 Lynch, the running back for the Seattle Seahawks. These advertising campaigns have generated  
 13 national media coverage. See "Marshawn Lynch will go Beast Mode on your plumbing needs,"  
 14 available at [http://www.foxsports.com/nfl/laces-out/marshawn-lynch-will-go-beast-mode-on-](http://www.foxsports.com/nfl/laces-out/marshawn-lynch-will-go-beast-mode-on-your-plumbing-needs-121413)  
 15 [your-plumbing-needs-121413](http://www.foxsports.com/nfl/laces-out/marshawn-lynch-will-go-beast-mode-on-your-plumbing-needs-121413).

16       19.   Beacon has also sponsored a hydroplane known as "Miss Beacon Plumbing" that  
 17 has competed in the Albert Lee Cup race during Seattle's famous Seafair festival.

18       20.   Beacon has invested substantial sums for advertising across all media, including  
 19 television, radio, and print. Through its advertising and long-standing presence in the Puget  
 20 Sound area, Beacon has generated tremendous goodwill and is one of the area's most  
 21 recognizable businesses.

22       21.   Beacon has a registered Mark.

23       22.   Beacon's Mark includes the slogan "Stop Freakin' . . . Call Beacon" in bold, red  
 24 text. The Mark also displays the word "Beacon" prominently in black capital letters.

25       23.   Advertisements containing Beacon's Mark are featured on buses and billboards  
 26 across the greater Puget Sound area, as well as in television and radio advertisements.

1       24.   Beacon spends substantial amounts of money each year developing, advertising,  
 2 and promoting its services using its Mark. Beacon has extensively and continuously used and  
 3 promoted its Mark in connection with plumbing and other services. As a result, Beacon has  
 4 built up and now owns valuable goodwill in its registered Mark.

5                   **DEFENDANTS' UNLAWFUL AND TORTIOUS ACTIVITIES**

6       25.   Defendants commenced an advertising campaign through Google AdWords,  
 7 which allows companies to bid for certain keywords. When Google users search for these  
 8 keywords, the company's text advertisement will appear on the search result page.

9       26.   Defendants bid on the "Beacon Plumbing" keyword. This is established by the  
 10 fact that the keyword searches "Beacon Plumbing", "Beacon Plumbing Seattle", and "Beacon  
 11 Plumbing Tacoma" all resulted in Defendants' Advertisement displayed on all three search  
 12 result pages.

13      27.   Defendants created the content for their Advertisement. The Advertisement  
 14 includes the phrase "Call 24/7 Beacon Plumbing" in large font. Underneath this phrase is the  
 15 phrase "beacon.callnow-plumber.com." Both "Call 24/7 Beacon Plumbing" and  
 16 "beacon.callnow-plumber.com" are hyperlinks, which took users to the URL "callnow-  
 17 plumber.com/display1"

18      28.   The "callnow-plumber.com/display1" URL is for a website that prominently  
 19 displays the "Mr. Rooter Plumbing" logo in the top-left corner. The telephone number  
 20 displayed on the website is for a call center for Mr. Rooter. As of the filing of this Complaint,  
 21 the "callnow-plumber.com/display1" URL continues to be active and the telephone number still  
 22 leads to the call center.

8/14/2015

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<http://www.your-plumber.com/testimonials>

11

**COMPLAINT - 7**

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1 29. Plaintiff learned about Defendants' Advertisement in early June 2015 after a  
2 customer called and reported it. Plaintiff experienced a substantial decrease in customer calls  
3 and sales during the period of May and June 2015, which was actually and proximately caused  
4 by Defendants' Advertisement.

5       30.       After the Advertisement was discovered, general counsel for Dwyer Inc. and  
6 Dwyer Group LLC was contacted. Shortly thereafter, the Advertisement was apparently taken  
7 down, demonstrating Defendants' control over when and how the Advertisement was displayed.

8       31.       The unlawfulness of Defendants' Advertisement is blatant. While many  
9 trademark claims are based on a defendant's use of a similar or confusing Mark, Defendants in  
10 this case simply stole the name "Beacon" and used it in their Advertisement.

11       32. Moreover, Defendants flagrantly used Plaintiff's Mark in a manner that is  
12 intentionally deceptive and cannot be blamed on a mistake. Defendants provided the content  
13 for their Advertisement and purposely included the phrases "Call 24/7 Beacon Plumbing" and  
14 "beacon.callnow-plumber.com." These phrases were designed specifically to confuse and  
15 deceive consumers into believing that they were accessing Plaintiff's services.

16       32.     Indeed, “beacon.callnow-plumber.com” URL contains a third-level domain that  
17 was specifically created by Defendants to enhance the deceptiveness of their Advertisement.

18       33. Defendants conduct violates multiple federal and state laws and entitles Plaintiff  
19 to substantial relief in the form of actual and compensatory damages, attorney fees and costs,  
20 and civil penalties and statutory damages.

**FIRST CLAIM FOR RELIEF**  
**(Federal Trademark Dilution)**

23           34. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
24 herein.

25        35. Defendants have engaged and are engaging in a Google AdWords campaign that  
26 displays a specific advertisement whenever a Google user searches for the term “Beacon  
27 Plumbing” or any variation thereof (e.g., “Beacon Plumbing Seattle.”) This advertisement

1 contains the phrases "Call 24/7 Beacon Plumbing" and "beacon.callnow-plumber.com."  
 2 Clicking on the advertisement, however, leads users to Defendants' website.

3       36. Through their Google AdWords campaign, Defendants deliberately chose  
 4 "Beacon Plumbing" as a term that would trigger the display of their advertisement. Defendants  
 5 also deliberately provided the content of the advertisement (*i.e.*, "Call 24/7 Beacon Plumbing"  
 6 and "beacon.callnow-plumbing.com"). Further, Defendants created the "beacon.callnow-  
 7 plumber.com" URL by using "beacon" as the third-level domain.

8       37. Defendants' advertisement constitutes use in interstate commerce of Plaintiff's  
 9 Mark after the Mark became famous. Defendants are using Plaintiff's Mark in a manner that  
 10 causes dilution by blurring because Plaintiff's Mark is being used to identify Defendants'  
 11 services. As a result, the ability of Plaintiff's Mark to serve as a unique identifier of Plaintiff's  
 12 services has been and is being diminished.

13       38. Defendants also are using Plaintiff's Mark in a manner that causes dilution by  
 14 tarnishment because Plaintiff's Mark is being improperly associated with inferior services  
 15 offered by Defendants.

16       39. Through the Advertisement, Defendants have injured and will continue to injure  
 17 Plaintiff's business reputation. Defendants' Advertisement also proximately caused lost sales  
 18 and resulted in unjust profits for Defendants.

19       40. Defendants' use of Plaintiff's Mark violates 15 U.S.C. § 1125(c)(1). Plaintiff is  
 20 entitled to injunctive relief against Defendants to further prohibit any use of Plaintiff's Mark.  
 21 The continuing loss of goodwill cannot be properly calculated and thus constitutes irreparable  
 22 harm and an injury for which Plaintiff has no remedy at law. Plaintiff will continue to suffer  
 23 irreparable harm unless this Court enjoins Defendants' conduct. Plaintiff is entitled to such  
 24 relief regardless of the presence or absence of actual or likely confusion, of competition, or of  
 25 actual economic injury.

26       41. Pursuant to 15 U.S.C. § 1125(c)(5), Plaintiff is entitled to the remedies set forth  
 27 in 15 U.S.C. §§ 1117(a), including Defendants' profits, damages sustained by Plaintiff, and

1 attorney fees and costs due to the egregious conduct of Defendants and the exceptional nature of  
2 this case. Defendants used Plaintiffs' Mark in commerce in an unlawful manner after October  
3 6, 2006, and Defendants willfully intended to trade on the recognition of Plaintiff's Mark and  
4 harm the reputation of Plaintiff's Mark.

5 42. Plaintiff's recovery under 15 U.S.C. §§ 1117(a) is not limited to actual damages,  
6 and may be adjusted upward to justly compensate Plaintiff pursuant to the egregious  
7 circumstances of this case.

8 **SECOND CLAIM FOR RELIEF**  
9 (State Trademark Dilution)

10 43. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
11 herein.

12 44. Defendants' advertisement constitutes commercial use of Plaintiff's Mark in  
13 Washington after the Mark became famous. Defendants are using Plaintiff's Mark in a manner  
14 that dilutes the distinctive quality of Plaintiff's Mark.

15 45. Defendants' use of Plaintiffs' Mark violates RCW 19.77.160. As a result of  
16 Defendants' unlawful conduct, Plaintiff has been injured through, among other things, lost sales  
17 and damage to goodwill and reputation.

18 46. Plaintiff is entitled to injunctive relief against Defendants to further prohibit any  
19 use of Plaintiff's Mark.

20 47. Defendants willfully and in bad faith intended to trade on Plaintiff's reputation  
21 and cause dilution of Plaintiff's Mark. Accordingly, Plaintiff is entitled to recover all profits  
22 derived by Defendants and all damages suffered by Plaintiff, as well as attorney fees and costs.

23 **THIRD CLAIM FOR RELIEF**  
24 (State Trademark Infringement)

25 48. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
26 herein.

27 49. Defendants are using Plaintiff's Mark in connection with the sale, offering for

1 sale, and advertising of Defendants' services in a manner that causes confusion, mistake, and  
2 deception as to the source and origin of Defendants' services in violation of RCW 19.77.140.

3       50. As a result of Defendants' unlawful conduct, Plaintiff has been injured through,  
4 among other things, lost sales and damage to goodwill and reputation.

5        51. Defendants are entitled to injunctive relief against Defendants to further prohibit  
6 any use of Plaintiff's Mark. Additionally, Defendants' bad faith conduct entitles Plaintiff to  
7 recover all profits derived by Defendants and all damages suffered by Plaintiff, as well as  
8 attorney fees and costs.

**FOURTH CLAIM FOR RELIEF**  
**(Federal False Advertising)**

11       52. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
12 herein.

13       53. Defendants' advertisement repeatedly uses the name "Beacon" (e.g., "Call 24/7  
14 Beacon Plumbing" and "beacon.callnow-plumbing.com"). This constitutes use in interstate  
15 commerce of a name in connection with Defendants' services that misrepresents the nature and  
16 geographic origin of Defendants' services in violation of 15 U.S.C. § 1125(a)(1).

17       54. Defendants deliberately included the name “Beacon” throughout their  
18 advertisement with the intent to deceive. This gives rise to a presumption of actual consumer  
19 deception and reliance.

20       55. As a result of Defendants' unlawful conduct, Plaintiff has been injured through,  
21 among other things, lost sales and damage to goodwill and reputation. Defendants unauthorized  
22 and tortious conduct has also deprived and will continue to deprive Plaintiff of the ability to  
23 control the consumer perception of its services offered under Plaintiff's Mark, placing the  
24 valuable reputation and goodwill of Plaintiff in the hands of Defendants.

25       56. Plaintiff is entitled to the remedies set forth in 15 U.S.C. §§ 1117(a), including  
26 Defendants' profits, damages sustained by Plaintiff, and attorney fees and costs due to the  
27 egregious conduct of Defendants and the exceptional nature of this case.

1       57. Plaintiff's recovery under 15 U.S.C. §§ 1117(a) is not limited to actual damages,  
2 and may be adjusted upward to justly compensate Plaintiff pursuant to the circumstances of this  
3 case.

**FIFTH CLAIM FOR RELIEF**  
(Anticybersquatting Consumer Protection Act)

6 58. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
7 herein.

8       59. Defendants are using a domain name (“beacon.callnow-plumbing.com”) that is  
9 identical and confusingly similar to and dilutive of Plaintiff’s Mark.

10       60. Defendants are acting in bad faith with intent to profit from Plaintiff's Mark,  
11 divert customers away from Plaintiff's online location, harm the goodwill represented by  
12 Plaintiff's Mark for commercial gain and to tarnish the Mark, and to create consumer confusion  
13 as to the source, sponsorship, affiliation, and endorsement of the site.

14       61. Defendants' unlawful conduct proximately caused injuries to Plaintiff including,  
15 among other things, lost sales and damage to goodwill and reputation.

16       62. Plaintiff reserves its right to elect, at any time before final judgment is rendered  
17 by this Court, to recover an award of statutory damages of not less than \$1,000 and not more  
18 than \$100,000.

**SIXTH CLAIM FOR RELIEF**  
**(Washington Consumer Protection Act)**

21 63. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
herein.

23       64. Defendants' advertisement constitutes a deceptive act in the conduct of  
24 commerce pursuant to RCW 19.86.020. Defendants' conduct has the capacity to deceive  
25 substantial portions of the public, as Defendants used Plaintiff's Mark in order to advertise its  
Defendants' own services and divert consumers away from Plaintiff.

65. Defendants' conduct is injurious to the public interest.

1       66. Defendants violation of RCW 19.86.020 is repeated and ongoing. Each time  
2 Defendants' advertisement was displayed constitutes a violation of RCW 19.86.020. Each time  
3 Defendants' advertisement was clicked on also constitutes a violation of RCW 19.86.020.

4       67. Plaintiff is entitled to an injunction to prevent Defendants from engaging in  
5 conduct in violation of the Washington Consumer Protection Act, as well as recovery for actual  
6 damages sustained as a result of Defendants' unlawful conduct and attorney fees and costs.

7           68. The circumstances warrant a trebling of actual damages pursuant to RCW  
8 19.86.090.

9       69. Additionally, this Court should require Defendants to forfeit and pay a civil  
10      penalty of \$2,000 for each violation.

**SEVENTH CLAIM FOR RELIEF**  
**(Tortious Interference with Business Expectancy)**

13           70. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
14 herein.

15       71. As a direct and proximate result of the aforementioned activities, Defendants  
16 intentionally interfered with a valid business expectancy. Defendants are aware that Google  
17 users who searched for “Beacon Plumbing” would be likely to, if not certain to, click on the  
18 Advertisement because it contained several uses of the name “Beacon.” Indeed, the  
19 Advertisement displayed a hyperlink (“beacon.callnow-plumber.com”) that was designed to  
20 deceive users into believing it was a website operated by Plaintiff.

21       72. Defendants had knowledge that the Google users represented valid business  
22 expectancies, and Defendants intentionally interfered with those expectancies by diverting those  
23 users to Defendants' website. This interference was done with an improper purpose that  
24 resulted in lost sales for Plaintiff.

COMPLAINT - 13

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1                           **EIGHTH CLAIM FOR RELIEF**  
 2                           **(Common Law Infringement and Unfair Competition)**

3                   73. Plaintiff repeats and realleges each and every allegation above as if fully set forth  
 4 herein.

5                   74. Defendants violated Washington common law by deliberately and willfully  
 6 attempting to trade on Plaintiff's long-standing and hard-earned goodwill in its name and Mark  
 7 and the reputation Plaintiff established in connection with its products and services, as well as to  
 8 confuse consumers as to the origin and sponsorship of Defendants' services and to pass their  
 9 services off as those of Plaintiff.

10                  75. As a direct and proximate result of the aforementioned activities, Plaintiff has  
 11 suffered substantial damages, as well as the continuing loss of the goodwill and reputation  
 12 established by Plaintiff in its name and Mark.

**PRAYER FOR RELIEF**

13                  WHEREFORE, Plaintiff requests the following relief:

14                  A. An injunction restraining and enjoining Defendants from engaging in any  
 15 conduct to unlawfully dilute or infringe on Plaintiff's Mark, reputation, and services;

16                  B. An injunction directing Defendants to immediately issue a notice, in a form and  
 17 manner approved by the Court, to all individuals who contacted Defendants as a result of the  
 18 Advertisement, advising them of the deceptive nature of the Advertisement;

19                  C. That Defendants be awarded statutory, compensatory and consequential damages  
 20 including, but not limited to, the loss of revenue and sales from customers or potential  
 21 customers resulting from the Advertisement;

22                  D. That Plaintiff forfeit and pay civil penalties pursuant to the Washington  
 23 Consumer Protection Act;

24                  E. That Plaintiff be awarded prejudgment interest and attorneys' fees and costs, as  
 25 provided under applicable law; and

26                  F. For such other and further relief as the Court deems just and proper.

1                   **DEMAND FOR JURY**

2                   Should this matter proceed to trial, Plaintiff demands that all issues of fact be  
3 determined by a jury.

4

5                   DATED: October 20, 2015

6

7                     
**FLOYD, PFLUEGER & RINGER, P.S.**

8                   By:  
9                   Francis S. Floyd, WSBA No. 10642  
10                  John A. Safarli, WSBA No. 44056  
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